IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
SA No. 2186 of 2023

(CHHAYA AND OTHERS Vs ***PUBLIC AT LARGE AND OTHERS)***

Dated : 02-05-2024

Shri Nitin Singh Bhati - Advocate for appellant.

Shri Himanshu Joshi - Advocate for respondent No.2.

Records of both the Courts below have been received.

Counsel for appellant heard on the point of admission.

Appeal appears to be arguable, therefore, it is admitted for final hearing on the following substantial question of law:

> "(i) Whether, the Courts below considering the cause of action i.e. the issuance of letter from respondent No.2 still failed to grant the declaration from the date of deceased son of appellant went missing i.e. 25.07.2010?
>
> (ii) Whether, the Court below committed mistake of fact and law in considering the date of civil death of Surendrasingh Solanki from the date of institution of the suit instead of date he went missing?
>
> (iii) Whether, date of death cannot be presumed and does Section 108 of Evidence Act, 1872 raises only a presumption of death and not a presumption of date of death ?"

Counsel for the respondent No.2 submits that short legal question is involved regarding the date for declaration of civil death of an army person, therefore, counsel for both the parties are directed to argue the matter finally on the next date of hearing.

List the matter on **27.05.2024**.

(ANIL VERMA)
JUDGE

Anushree

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